

REMARKS

In the outstanding official action, claim 11 was objected to because of the noted informality, namely that the claim "is presented on Applicant's Remarks provided with the preliminary amendment". In order to correct this informality, the amendment to claim 11 is herewith re-presented as a current amendment in the attached claim listing on a page separate from the Remarks section of the amendment.

On the merits, claims 1, 3-4, 6, and 8-11 were rejected under 35 USC 102(b) as being anticipated by Ota, with claims 2 and 5 being rejected under 35 USC 103(a) as being unpatentable over Ota and claim 7 being rejected under §103(a) as being unpatentable over Ota and in view of Zhou, all for the reasons of record. In response, independent claims 1 and 8 have been amended in order to more particularly and precisely recite the instant invention in a manner which is clearly patentably distinguishable over the cited and applied art, and it is respectfully submitted that claims 1 and 8, and the remaining claims depending therefrom, are now in condition for allowance for the reasons detailed below.

More particularly, the independent claims, as herewith amended, now recite, *inter alia*, that the recording stack includes a substrate, a recording layer on the substrate, and a first absorption layer on the recording layer. It is suggested in the

Action that these elements are generally shown in the reference, with portions of the reference describing Figs. 23-25 being cited as supporting this contention. However, it is respectfully submitted that a careful examination of the cited portions of the reference, and the associated figures, does not support the rejection.

Specifically, while Fig. 23 generally shows a substrate 101 with a recording layer 102 and absorbing layer 105, the reference numerals 102 and 105 lead to the same region, so that it is not possible to ascertain which layer is above the other. This issue is clearly resolved by examining Fig. 25(a), wherein the location of the various layers is more precisely shown, and wherein absorbing layer 105a is shown as directly on the substrate 101 and the recording layer 102a is then provided on top of the absorbing layer 105a. Thus, the structure of Ota is clearly directly contrary to that of the present invention as now more precisely claimed, wherein the recording layer is on the substrate and the first absorption layer is formed on the recording layer opposite the substrate. Clearly, this directly contrary construction overcomes the anticipation reference.

Furthermore, the anticipation rejection of the independent claims is additionally supported by a portion of the reference relating to the structure shown in Fig. 16 of the reference. With regard to this figure, it is noted that it relates to a

substantially different structure from that of the instant invention, wherein a reflecting film 73 is formed on the substrate 71, and then a transparent spacer layer 74 is provided on the reflecting film 73 and a recording layer 72a is provided on the transparent spacer layer. Thus, neither of the prior-art embodiments cited shows or suggests the configuration of the instant invention as now more precisely claimed, wherein a recording layer is provided on the substrate and a first absorption layer is formed on the recording layer, and wherein the recording layer is formed of material which changes its optical characteristics when it is heated, and the first absorption layer is formed of material which has an absorption coefficient which is sufficiently high to convert the incident beam to heat and thereby change the optical characteristics of the recording layer.

In view of the foregoing amendments and remarks, it is respectfully submitted that independent claims 1 and 8, as herewith amended, and the remaining claims depending therefrom, are now clearly patentably distinguishable over the cited and applied references. Accordingly allowance of the instant application is

respectfully submitted to be justified at the present time, and
favorable consideration is earnestly solicited.

Respectfully submitted,

By



Steven R. Biren, Reg. 26,531
Attorney
(914) 333-9630